IN THE MATTER OF	:	NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF	:	STATE BOARD OF EXAMINERS
MARK V. AMATUCCI	:	ORDER OF SUSPENSION
_____	:	DOCKET NO: 1718-162

Mark V. Amatucci (Amatucci) is the holder of a Teacher of Elementary School in Grades K-8 Certificate of Eligibility with Advanced Standing (CEAS), issued in February 1998; a Standard Teacher of Elementary School in Grades K-8 certificate, issued August 1999; a Standard Supervisor certificate, issued January 2007; and a Principal CEAS, issued May 2007.

At its meeting of December 8, 2017, the State Board of Examiners (Board) reviewed information it received from the North Brunswick Township Public Schools (NBTPS) regarding Mark V. Amatucci. Amatucci was employed by NBTPS and resigned in August 2017, following tenure charges alleging inappropriate and unbecoming conduct, insubordination, misbehavior, neglect and violations of district policy. Specifically, it was alleged that Amatucci called one of his sixth grade students a "beautiful girl" in front of the entire class, approached the student while she was seated in the classroom and told her "you're such a beautiful young lady you shouldn't be shy around me or in my classroom[,]" and put his hand on the student's right thigh, slid his hand up her hip and squeezed. It was also alleged that Amatucci clipped a student's arm, closed the student's arm in the door, and continued to verbally engage and encroach upon the student outside the classroom, thereby leaving his classroom unattended without proper supervision. Further, it was alleged that Amatucci looked at a student's work, stated "this has to be a joke," and threw the student's notebook into the trash, and screamed in another student's face, announced her home address to the entire class, and told the entire class she was going to fail the assignment.

After reviewing the above information, at its January 19, 2018 meeting, the Board voted to issue an Order to Show Cause (OSC) to Amatucci as to why his certificates should not be revoked. On or about January 23, 2018, the Board sent Amatucci the OSC by regular and certified mail. The OSC provided that Amatucci must file an Answer within 30 days pursuant to *N.J.A.C.* 6A:9B-4.6(b). On March 20, 2018, Amatucci submitted an answer in which he admitted "that he resigned pursuant to a settlement agreement, but that should not be construed as an acknowledgement of any wrongdoing on his part." *See Answer*, dated March 20, 2018, ¶ 3. He denied the allegations contained in the tenure charges and recited in the Order to Show Cause. *Id.* at ¶ 4-6.

As there were material facts in dispute, the Board transmitted the matter to the Office of Administrative Law (OAL) for a hearing on May 31, 2018. During the discovery process, the Deputy Attorney General (DAG) assigned to represent the Board in this matter discovered that Newark Public Schools (NPS) terminated Amatucci in August 2022 due to an allegation that Amatucci failed to provide accurate information during the employment application and onboarding process. Specifically, Amatucci responded "no" when he was asked on the employment application whether he was "terminated or asked to resign from any previous employer."

After reviewing the additional information above, at its March 3, 2023 meeting, the Board voted to issue a second Order to Show Cause (OSC) to Amatucci as to why his certificates should not be revoked. On March 24, 2024, Amatucci submitted an Answer to the second OTSC in which he denied failing to provide accurate information to NPS during the employment application and onboarding process. *See Answer*, dated March 24, 2023, ¶ 2. As there were material facts in dispute, the Board transmitted the second matter to the OAL for a hearing on May 3, 2023.

On June 8, 2023, the Administrative Law Judge (ALJ) Susan Sacrola consolidated the two pending Orders to Show Cause against Amatucci. On October 16, 2023, the DAG representing the Board in the consolidated matters filed a motion for partial summary decision seeking to revoke Amatucci's certificates due to the allegations in the second OTSC.

On February 21, 2024, the ALJ issued an Order Granting Partial Summary Decision. *In the Matter of the Revocation or Suspension of Teaching Certificates of Mark V. Amatucci*, OAL Dkt. No. EDE 07857-18 (Initial Decision, February 21, 2024). In her decision, the ALJ stated she was submitting the Order to the Board for immediate review under *N.J.A.C.* 1:1-12.5(e). *Id.* at 14. The ALJ determined that there was "no genuine issue of material fact that [Amatucci] failed to disclose his North Brunswick resignation when he answered "No" on the Newark employment application question, "Have you ever been terminated or asked to resign by a previous employer?" *Id.* at 8. The ALJ found that NBTPS asked Amatucci to resign in exchange for abandoning tenure charges against him and that it was "disingenuous for him to suggest otherwise" because he agreed to submit an irrevocable letter of resignation when he settled the tenure matter. *Ibid.* The ALJ concluded that Amatucci engaged in conduct unbecoming a teacher when he falsified information on an employment application to NPS after his resignation and separation from NBTPS. *Id.* at 13. The judge held that the appropriate penalty shall be determined after a hearing on the merits of the first OTSC and after testimony in mitigation has been presented. *Ibid.*

At its meeting of March 1, 2024, the Board determined that immediate review of the order would not avoid unnecessary litigation or expense and voted to return the matter to the OAL for further proceedings, stating it would review the order at the conclusion of the contested case.

On July 31, 2026, ALJ Judith Lieberman issued an Initial Decision in the consolidated matters. *In the Matter of the Revocation or Suspension of the Teaching Certificates of Mark V.*

Amatucci, OAL Dkt. Nos. EDE 07857-18 and EDE 03792-23 (Initial Decision, July 31, 2026). The ALJ found that Amatucci committed unbecoming conduct warranting a one-year suspension of his certificates. *Id.* at 53. Specifically, as to the first OTSC, the ALJ found that Amatucci engaged in conduct unbecoming a teacher when he left his class unattended. *Id.* at 47. The ALJ dismissed the remaining allegations of "improper touching of a student; improperly complimenting a student; striking a student with a door; and insulting and degrading students, throwing a notebook into the trash, and revealing a student's personal information" as the evidence did not support the allegations. *Id.* at 46. As to the second OTSC, the ALJ noted that the previous ALJ concluded that "Amatucci engaged in conduct unbecoming a teacher when he falsified information on his employment application[.]" *Id.* at 47.

In determining the appropriate penalty, the ALJ discussed mitigation. *Id.* at 52-53. Specifically, the ALJ found that Amatucci presented evidence of mitigation regarding his demeanor, work history, that he had no previous discipline, his engagement with the schools, that he was well liked by teachers and students, positive evaluations, and that he "appeared genuinely sad and hurt over the problems that developed at the District." *Id.* at 52. As to leaving the students unattended, the ALJ found there was "no evidence that his actions were premeditated, cruel or vicious, or done with an intent to punish the unsupervised students." *Id.* at 50. As to the misrepresentation of his employment history, the ALJ explained that Amatucci's actions "cannot reasonably be said that [they] were the result of a mere mistake, as [Amatucci] was plainly required to resign as a condition of the settlement. Had he not done so, he would have been required to face the tenure charges." *Id.* at 53. The ALJ concluded a one-year suspension was warranted when considering the totality of the circumstances. *Ibid.*

On August 21, 2026, Amatucci filed exceptions to the Initial Decision. *See* Amatucci Exceptions. In his exceptions, Amatucci argued that the finding of "conduct unbecoming based on his allegedly falsified employment application with [NPS]" "must be reversed because it was not supported by the facts in evidence, and it was an arbitrary, capricious and/or unreasonable decision." *Id.* at 2, 4. Amatucci claimed that he was never asked to resign from NBTPS and argued that no facts were demonstrated that he intentionally lied. *Id.* at 3, 6. Amatucci also argued that the penalty the ALJ found was warranted was "far too severe under the circumstances, including the evidence presented in mitigation." *Id.* at 9.

Also on August 21, 2026, the DAG filed exceptions to the Initial Decision. *See* Board Exceptions. In the exceptions, the DAG argued the ALJ erred in not finding unbecoming conduct relating to Amatucci putting his hand on student K.M.'s thigh, Amatucci's comments that K.M. was "beautiful[,]" and Amatucci shutting the classroom door on J.E.'s arm because sufficient credible evidence of each was established. *Id.* at 2-13. The DAG also argued that Amatucci's conduct of leaving his students unsupervised and providing false information on his employment application warrants revocation of his certificates. *Id.* at 13-18.

On August 25, 2026, Amatucci filed reply exceptions to the Initial Decision. *See* Amatucci Reply Exceptions. In his reply exceptions, Amatucci argued that credibility determinations "can only be reversed in extraordinary circumstances, and nothing was presented in the brief that would meet the onerous 'arbitrary and capricious' regulatory standard" thus the ALJ's "findings of fact and credibility determinations as to the student accusers must not be disturbed." *Id.* at 1-2, 5. Specifically, Amatucci argued that the ALJ correctly determined that K.M. made several inconsistent statements throughout the investigation process, which were exacerbated by the conflicting testimonies of purported eyewitnesses. *Id.* at 4-5.

The Board must now determine whether to adopt, modify, or reject the Initial Decision in this matter. At its meeting of September 18, 2026, the Board reviewed the Initial Decision, Exceptions filed by the DAG, Exceptions filed by Amatucci, and Reply Exceptions filed by Amatucci. After full and fair consideration of the Initial Decision and submissions, the Board voted to adopt the Initial Decision.

In reviewing this matter, the Board does not find the ALJ's factual and credibility findings to be arbitrary or not based on sufficient credible evidence. The ALJ's credibility determinations were well supported and based on his first-hand observations. Accordingly, the Board is constrained by the ALJ's findings of facts and credibility determinations in this matter. The Board does not find a sufficient basis by which it could overturn same. *N.J.A.C.* 1:1-18.6(b) and (c).

The Board has the authority to "issue appropriate certificates to teach or to administer," and "may revoke the same under rules and regulations prescribed by the State board." *N.J.S.A.* 18A:6-38; *see also N.J.A.C.* 6A:9B-3.2 and -4.4; *Morison v. Willingboro Bd. of Educ.*, 478 N.J. Super. 229 (App. Div. 2024), *cert. denied* 258 N.J. 143 (July 11, 2024). The Board may take action against a certificate holder on the basis of "demonstrated inefficiency, incapacity, conduct unbecoming a teacher, or other just cause." *N.J.A.C.* 6A:9B-4.4; *see also Morison*, 478 N.J. Super. at 246, 248 (the Board is responsible for protecting schoolchildren from improper teacher conduct and may suspend or revoke an educator's continued ability to serve as a teacher at any public school based on unbecoming conduct).

Unbecoming conduct is defined as "conduct 'which adversely affects the morale or efficiency of the [department]' or 'has a tendency to destroy public respect for [government] employees and confidence in the operation of [public] services.'" *Bound Brook Bd. of Educ. v. Ciripompa*, 228 *N.J.* 4, 13 (2017) (quoting *In re Young*, 202 N.J. 50, 66 (2010), *Karins v. Atl. City*,

152 N.J. 532, 554 (1998)). "[A] finding of unbecoming conduct 'need not be predicated upon the violation of any particular rule or regulation, but may be based merely upon the violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legal correct.'" *Id.* at 13-14 (quoting *Karins*, 152 N.J. at 555). "It focuses on the morale, efficiency, and public perception of an entity, and how those concerns are harmed by allowing teachers to behave inappropriately while holding public employment." *Id.* at 14. "The touchstone of the determination lies in the certificate holder's 'fitness to discharge the duties and functions of one's office or position.'" *Young*, 202 N.J. at 66 (citing *In re Grossman*, 127 N.J. Super. 13, 29 (App. Div. 1974)).

As noted above, after reviewing the record, the ALJ concluded that Amatucci engaged in conduct unbecoming by leaving his class unattended when he was obligated to be supervising the students. The ALJ also concluded that the remaining allegations in the first OTSC were not proven by the Board based on the evidence, testimony and credibility determinations. Further, the prior ALJ in this matter concluded that Amatucci engaged in conduct unbecoming a teacher when he falsified information on his employment application. The Board agrees with the findings of fact by the ALJs and finds that the DAG's arguments otherwise do not warrant overturning the ALJ's credibility findings. There is no doubt that the ALJ was in the best position to render credibility determinations in this matter. Accordingly, the Board will defer to the ALJ's credibility findings and adopts the ALJ's findings of fact. *N.J.A.C.* 1:1-18.6(c).

The Board agrees with the ALJ that Amatucci's actions here fall far short of the high standard of conduct expected of an educator. Specifically, Amatucci's actions of leaving his class unattended and falsifying information on his employment application are unbecoming conduct of

an educator and not the behavior we would expect for a role model for students. Thus, the Board finds that Amatucci committed unbecoming conduct.

Having found that Amatucci engaged in unbecoming conduct, the Board must now determine the appropriate penalty to be applied. In doing so, the Board considers the "nature and gravity of the offenses under all the circumstances involved, any evidence as to provocation, extenuation or aggravation," and any "harm or injurious effect" on the maintenance of discipline and the proper administration of the school system. *In re Fulcomer*, 93 N.J. Super. 404, 422 (App. Div. 1967). "Teachers… are professional employees to whom the people have entrusted the care and custody of … school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment." *Tenure of Sammons*, 1972 *S.L.D.* 302, 321. Fitness to teach depends on a broad range of factors, including the teacher's impact and effect upon the students, because a "teacher works in a sensitive area in a schoolroom" and "shapes the attitude of young minds toward the society in which they live." *Grossman*, 127 N.J. at 30 (*quoting Adler v. Bd. of Educ. of City of New York*, 342 U.S. 485, 493 (1952)). Importantly, unfitness to hold a position in a school system may be shown by one incident if sufficiently flagrant. *Fulcomer*, 93 N.J. Super. at 421; *Redcay v. State Bd. of Educ.*, 130 *N.J.L.* 369, 371 (1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944).

In this instance, the ALJ determined that a one-year suspension was appropriate for Amatucci's conduct here after consideration of the mitigating factors. The Board agrees that a one-year penalty is appropriate given the totality of the circumstances in this matter. The Board agrees with the ALJ's mitigation determination that Amatucci's work history demonstrated that he was not previously disciplined, that he was actively engaged in activities, events and fundraisers at the schools, he is described as a mentor who is well liked by teachers and students and received

positive evaluations. However, Amatucci displayed a serious lapse of sound judgment for a role model for students when he left his class unattended and falsified information on his employment application. Thus, the Board finds that the appropriate penalty for Amatucci's conduct here is a one-year suspension of his certificates.

Accordingly, on September 18, 2026, the Board voted to adopt the factual findings and legal conclusion in the Initial Decision warranting a suspension of Amatucci's certificates. On this 29th day of October 2026, the Board formally adopted its written decision to adopt the Initial Decision in this matter, and it is therefore ORDERED that Mark V. Amatucci's Teacher of Elementary School in Grades K-8 Certificate of Eligibility with Advanced Standing (CEAS), Standard Teacher of Elementary School in Grades K-8 certificate, Standard Supervisor certificate, and Principal CEAS are hereby SUSPENDED for one (1) year, effective immediately. It is further ordered that Amatucci return his certificates to the Secretary of the State Board of Examiners, Office of Certification and Induction, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.



Kimberly A. Gatti, Acting Secretary
State Board of Examiners

Date of Mailing: 10/29/2026
via certified and regular mail

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-38.4 and *N.J.A.C.* 6A:4-1.3.